

CHAPTER 304
DISCIPLINE FOR SPEECH PATHOLOGISTS AND AUDIOLOGISTS

645—304.1(272C) Grounds for discipline. The board may impose any of the disciplinary sanctions set forth in 645—13.1(272C), including civil penalties in an amount not to exceed \$1000, when the board determines that a licensee:

304.1(1) Is guilty of any of the following acts or offenses:

- a. Fraud in procuring a license.
- b. Professional incompetency.
- c. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

d. Habitual intoxication or addiction to the use of drugs.

e. Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect the licensee's ability to practice within the profession. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

f. Fraud in representations as to skill or ability.

g. Use of untruthful or improbable statements in advertisements.

h. Willful or repeated violations of the provisions of Iowa Code chapter 147.

304.1(2) Is in violation of the rules promulgated by the board.

304.1(3) Is in violation of the following code of ethics:

a. Claims of expected clinical results shall be based upon sound evidence and shall accurately convey the probability and degree of expected improvement.

b. Persons served professionally or the files of such persons will be used for teaching or research purposes only after obtaining informed consent from those persons or from the legal guardians of such persons.

c. Information of a personal or professional nature obtained from persons served professionally will be released only to individuals authorized by the persons receiving professional service or to those individuals to whom release is required by law.

d. Relationships between professionals and between a professional and a client shall be based on high personal regard and mutual respect without concern for race, religious preference, sex, or age.

e. Referral of clients for additional services or evaluation and recommendation of sources for purchasing appliances shall be without any consideration for financial or material gain to the licensee making the referral or recommendation for purchase.

f. Licensees who dispense products to persons served professionally shall provide clients with freedom of choice for the source of services and products.

g. Failure to comply with Food and Drug Administration regulations 21 CFR §801.420 (April 1, 1981), "Hearing aid devices; professional and patient labeling," and 21 CFR §801.421 (April 1, 1981), "Hearing aid devices, conditions for sale."

304.1(4) Is disqualified for personal reasons:

a. Mental or physical inability reasonably related to and adversely affecting the licensee's ability to practice in a safe and competent manner.

b. Involuntary commitment for treatment of mental illness, drug addiction or alcoholism.

304.1(5) Is practicing or has practiced the profession while the license is suspended.

304.1(6) Has had a license suspended or revoked by another state.

304.1(7) Is negligent in the practice of the profession, which is a failure to exercise due care, including negligent delegation to or supervision of employees or other individuals, whether or not injury results; or any conduct, practice or conditions which impair the ability to safely and skillfully practice the profession.

304.1(8) Has committed prohibited acts consisting of the following:

a. Permitting an unlicensed employee or person under the licensee's control to perform activities requiring a license.

b. Permitting another person to use the licensee's license for any purpose.

c. Practicing outside the scope of a license.

d. Verbally or physically abusing clients.

304.1(9) Has committed unethical business practices, consisting of any of the following:

a. False or misleading advertising.

b. Betrayal of a professional confidence.

c. Falsifying clients' records.

d. Billing for services which were not rendered, or charging fees which are inconsistent with any prior agreements reached with the clients.

304.1(10) Has failed to report a change of name or address within 30 days after it occurs.

304.1(11) Has submitted a false report of continuing education or has failed to submit the annual report of continuing education.

304.1(12) Has failed to notify the board within 30 days after occurrence of any judgment or settlement of a malpractice claim or action.

304.1(13) Has failed to comply with a subpoena issued by the board.

This rule is intended to implement Iowa Code sections 272C.3 and 272C.4.

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